

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

VARSITY SPIRIT LLC, §
§
Plaintiff, §
§
v. §
§
VARSITY TUTORS, LLC, §
§
Defendant. §

**CIVIL ACTION NO. 3:21-CV-00432-D
JURY TRIAL DEMANDED**

MOTION FOR LEAVE TO FILE COMPLAINT UNDER SEAL

Pursuant to Local Rule 79.3(b)-(c), Plaintiff Varsity Sprit LLC (“Varsity”) files this Motion to File its Complaint Under Seal and states the following in support thereof:

1. Varsity seeks a judgment against Defendant Varsity Tutors, LLC (“Defendant”) for: (1) trademark infringement (2) trademark dilution; (3) unfair competition; and (4) breach of contract.
2. Varsity’s Complaint contains detailed allegations related to, among other things, a confidential settlement agreement between the parties (the “Settlement Agreement”).
3. The Settlement Agreement provides that its contents must remain confidential and must not be disclosed to third parties.
4. Accordingly, on March 1, 2021, Varsity filed a redacted version of its Complaint, including a redacted version of the Settlement Agreement.
5. By filing its Complaint, Varsity seeks to enforce its rights under the Settlement Agreement. In so filing, however, Varsity wishes to ensure that it does not violate the terms of the Settlement Agreement through public disclosure of information designated as confidential.

6. Therefore, in order to protect the interests of all parties involved and as required by the local rules of this Court, Varsity moves this Court to allow filing of the entire un-redacted Complaint and all accompanying exhibits under seal.

WHEREFORE, Varsity respectfully requests that this Court issue an order (i) allowing the filing of Varsity's Complaint and accompanying exhibits under seal, and (ii) directing that Varsity's Complaint and accompanying exhibits remain under seal unless ordered otherwise by this Court.

DATE: March 2, 2021

Respectfully submitted,

/s/ Michael K. Hurst

Michael K. Hurst

Texas Bar No. 10316310

mhurst@lynnlpp.com

John S. Adams

Texas Bar No. 24097277

jadams@lynnlpp.com

LYNN PINKER HURST & SCHWEGMANN, LLP

2100 Ross Avenue, Suite 2700

Dallas, Texas 75201

(214) 981-3800 -Telephone

(214) 981-3839 – Facsimile

Danny M. Awdeh (*pro hac vice* motion forthcoming)
danny.awdeh@finnegan.com

Douglas A. Rettew (*pro hac vice* motion forthcoming)
doug.rettew@finnegan.com

Sydney N. English (*pro hac vice* motion forthcoming)
sydney.english@finnegan.com

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
901 New York Avenue N.W.
Washington, D.C. 20001-4413
(202) 408-4000 - Telephone
(202) 408-4400 - Facsimile

Morgan E. Smith (*pro hac vice* motion forthcoming)
morgan.smith@finnegan.com

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
3300 Hillview Avenue, 2nd Floor
Palo Alto, California 94304-1203
(650) 849-6600 – Telephone
(650) 849-6666 - Facsimile

**ATTORNEYS FOR PLAINTIFF
VARSITY SPIRIT LLC**